

REMARKS

Claims 21-96 are pending in the present application. The Office Action mailed September 5, 2002, rejects Claims 21-28, 32-47, 51-66, 70-85, and 89-96 under 35 U.S.C. § 103(a) as being unpatentable over Pettus (USPN 6,031,977). The Office Action further rejects claims 29, 30, 31, 48, 50, 67, 68, 69, 86, 87, and 88 under 35 U.S.C. § 103(a) as being unpatentable over Pettus in view of Crawford (USPN 5,771,354). Applicant respectfully traverses these prior art rejections of Claims 21-96, for the reasons fully developed below.

Attached hereto is a Request for Approval of Drawing Corrections, with proposed corrections to Fig. 2 indicated in red manuscript. Applicant respectfully requests that the Examiner acknowledge receipt of the proposed correction to Fig. 2 and indicate approval thereof in the next Patent Office paper.

During review of the above-identified application, it was noted that the numeral **50** appeared in both of Figs. 1 and 2, namely, to identify vendor link **50** in Fig. 1, and to identify a flowchart element **50** in Fig. 2. In the attached Request for Approval of Drawing Corrections, the flowchart element **50** has been re-labeled as element **51**. The attached substitute page of the specification, *i.e.*, page 23, corrects the specification to conform to the above-described editorial correction to the drawing. It is respectfully submitted that the changes to page 23 and Fig. 2 of the specification do not introduce prohibited new matter into the present application. Accordingly, Applicant respectfully requests entry of these amendments.

Although Applicant believes that no fees are required for entry of the present Amendment or to maintain the pendency of the present application, Applicant's undersigned representative nonetheless authorizes any additional fees that may be required for entry of the present Amendment or to maintain the pendency of the present application to be charged to Deposit Account Number 16-2372.

In **paragraph 1 of the Office Action**, it is asserted that claims 21, 24, 25, 28, 32, 40, 43, 44, 47, 51, 59, 62, 63, 66, 70, 78, 81, 82, 85, and 89 are obvious under 35 U.S.C. § 103(a) over Pettus (U.S. Patent No. 6,031,977). This rejection is respectfully traversed for the reasons presented below.

After indicating that the rejection is under 35 U.S.C. 103, the examiner should set forth in the Office Action (1) the relevant teachings of the prior art relied upon, preferably with reference to the relevant column or page number(s) and line number(s) where appropriate, (2) the difference or differences in the claim over the applied reference(s), (3) the proposed modification of the applied reference(s) necessary to arrive at the claimed subject matter, and (4) an explanation why such proposed modification would have been obvious to one of ordinary skill in the art at the time the invention was made. *See* M.P.E.P. §706.02(j). In the present instance, the Office Action does not satisfy any of the four requirements set forth in §706.02(j). In fact, the Office Action does not specify where Pettus discloses *any* element of the rejected claims, much less each element of the rejected claims. Further, the Office Action does not specify what modifications of Pettus are necessary to arrive at the claimed subject matter, and why such modifications would have been obvious to a person of ordinary skill in the art, at the time the invention was made, with reference only to the prior art references themselves, and without reference to the disclosure of the present application. As will be fully demonstrated below, the Office Action plainly fails to make out even a *prima facie* case of obviousness of the rejected claims.

In **paragraph 3 of the Office Action**, it is asserted that "[i]t would have been obvious to one of ordinary skill that shared libraries would come from different publishers." Here, the Office Action does not provide any factual support for this conjecture as to what would have been obvious to one of ordinary skill in the art at the time the invention was made, much less specify where the prior art reference (Pettus) itself suggests that "shared libraries would come from different publishers." This

assertion constitutes a classic exercise of legally impermissible hindsight to reconstruct the claimed invention, not based upon the teachings of the prior art, but rather, based upon the disclosure of the present application. Further, the Office Action's hindsight reasoning is fundamentally flawed in several respects.

Although Pettus discloses communications directory service software that enables individual client nodes to access multiple remote services over a heterogeneous network, Pettus does not disclose *anything* about the nature, type, or content of the remote services, much less *anything* about client node interactions with any of the remote services *after communications are established*. As Pettus explicitly states, it is the "inventive *communications directory service* which is the subject of the present [Pettus's] invention." '977 patent, at Col. 8:27-31 (emphasis added). This subject matter is unrelated to the subject matter set forth in the pending claims of the present application. Pettus is *not* directed to effecting transport of selected content to the user station from any one of a plurality of independent publishers, effecting transport of the selected content to the user station, effecting storage of the selected content so that the content is retained upon shutting down of the user station and/or deactivation of the software, and effecting presentation of the stored content to the user with a user interface that is customized to the respective publisher.

Moreover, as will become fully apparent from the ensuing discussion of Pettus's teachings, Pettus is actually directed to a distributed communications directory service system for heterogeneous enterprise networks, which enables all client nodes in the enterprise network to access different services available over the enterprise network. Typically, the enterprise network is comprised of smaller networks that employ different access protocols. The different services are typically provided by different parts of the same enterprise, and *not* by "independent publishers." For example, a large corporate organization may have geographically far-flung departments, operations, and operating units (*e.g.*, divisions), each of which provides different services for the entire organization.

Enterprise networks are typically configured to enable client nodes distributed throughout the overall organization to access different services provided by different respective ones of the organization's geographically far-flung departments, operations, and operating units (*e.g.*, accounting services, inventory management services, database (DB) services, customer relationship management (CRM) services, enterprise resource management (ERM) services, financial analysis services, etc.).

As Pettus discusses in the "Background of the Invention" section of his patent, many of these large enterprise networks are heterogeneous, meaning that "the network itself is often composed of many independent smaller networks which are connected together by interfaces called 'gateways,'" and many of "[t]hese smaller networks may have their own access methods and protocols." Pettus, at Col. 3:45-53. The primary object of Pettus is to solve the problems associated with accessing services provided over such heterogeneous enterprise networks, by providing "a single globally accessible directory service which is capable of interacting with various existing directory services and other services [and] with existing and future [services] provided on a network." Pettus, at Col. 4:4-39.

The "shared libraries" that the Office Action refers to are "shared libraries" of specialized system software "service objects," *not* content published by publishers, as the Office Action suggests. These "shared libraries" of "service objects" are shared by each of the nodes of the network, and *not* by a plurality of independent publishers. An essential and purportedly novel aspect of the Pettus distributed communications directory service, is the replication of the communications directory service (and thus, the "shared library of service objects") on every node in the network. As Pettus states, "[t]his service object is distributed to all of the other nodes in this system and thus, is available on a local basis to all of the clients on the network." '977 patent, at Col. 12:62-64. "Each service object is associated with one service available on the network and contains the network address or exchange address at which the service is available and a reference 608

to one or more of the stack definition objects 604." '977 patent at Col. 10:29-33. "The stack definitions 604 each consist of a set of layer definitions that specify the processing carried out in each layer and the interactions between the layers. ... In particular a stack definition is provided for each different type of communication link on the system." '977 patent, at Col. 10:40-46.

Thus, the "service objects" only serve to specify the network address or exchange address at which an associated service is available, and to point to one or more of the stack definition objects to be used by the client to reconfigure a protocol stack, to thereby facilitate communications between the client and the service using an appropriate communications protocol. Otherwise stated, these service objects are only used to facilitate the establishment or set-up of a communication link ("network connection") between the client and an associated remote service over the network, by identifying the address and appropriate stack definition object for the client communications software to use in setting up this communication link. Thus, the "shared library of service objects" is only used by client nodes to establish communications links between the client nodes and respective ones of the services available on the network. As is stated in the specification of Pettus:

A client desiring to access a service retrieves the associated service object and uses it to configure the protocol stacks in the client node to set up the communication link.

'977 patent, at Col. 12:29-32.

In **paragraph 3 of the Office Action**, it is asserted that "[a]lso, without user intervention, Pettus teaches using an object manifest that implements correct protocols to ensure that the selected remote service is transport[ed] to and stored in the user station." This assertion is not cogent.

First, the Office Action does not specify where Pettus teaches to *transport* the selected remote service to the user station. In fact, this does not make sense. As

discussed previously, Pettus discloses communications directory service software that enables a client node to *access* remote services on a heterogeneous network, but *not* to *transport* the *remote service* to the user station.

Second, Pettus does not teach anything about the interactions between the application program and the remote service after a network connection has been established by the communications directory service software. Thus, Pettus does not suggest transporting and storing any content from an accessed remote service, much less, as the pending claims recite, storing the transported content such that the stored content is retained on a storage device of the user station upon shutting down of the user station and/or deactivation or termination of the software.

In **paragraph 3 of the Office Action**, it is asserted that "[f]urther, it would have been obvious to one of ordinary skill in the art at the time of invention that because the software product takes the object-oriented approach, this ensures that [the] user interface [will] be customized with the respective application program," citing "Fig. 11, col. 15, lines 19-col. 16, lines 1-40" of Pettus. This assertion is not tenable. First, there is absolutely no support for the proposition that "because the software product takes the object-oriented approach, this ensures that [the] user interface [will] be customized with the respective application program."

The cited portion of the specification of Pettus deals primarily with the interactions between an application program and the communications directory service that is local to the client node, and not with interactions between the application program and the remote service. Pettus discloses that the user can either interact directly with the local communications directory service or, "[a]lternatively, this interaction may involve an intervening application program which cooperates with the communications directory service to select a service in a visual manner, such as, by dragging a document icon onto a service icon." Pettus, at Col. 15:40-45.

With respect to interactions between the application program and the remote services, Pettus only discloses that "when the application program communicates with the remote service, it uses the remote service address passed through the communications service directory to the networking service." Pettus, at Col. 16:26-29. Pettus also discloses that "[t]hese stack definitions then set up DRPS 1124 and configure the communication link in preparation for sending request and reply data between the application program 1100 and the remote service (not shown in FIG. 11)." Pettus, at Col. 16:13-16. The use of the terminology "request and reply data" addresses only low-level aspects of communications, and certainly does not suggest that the "remote services" correspond to "independent publishers."

Pettus does not disclose any user interface for effecting presentation of content transported from a remote service to the user station, much less a user interface that is "customized with the respective application program," as the Office Action asserts. Moreover, even if this assertion were correct, which it is not, it would be irrelevant. The rejected claims of the present application are directed to a user interface that is customized *to a respective publisher* from which content is received by the user station, and *not* that the user interface is "customized with the *respective application program*."

Plainly, the Office Action does not make out even a *prima facie* case of obviousness of claims 21, 24, 25, 28, 32, 40, 43, 44, 47, 51, 59, 62, 63, 66, 70, 78, 81, 82, 85, and 89.

The dependent claims are patentable over the prior art of record for at least the same reasons discussed above with respect to the independent claims.

For all of the above and foregoing reasons, Applicant respectfully requests withdrawal of the prior art rejections of pending claims 21-96, and respectfully requests early allowance thereof.

Applicant respectfully submits that the present Amendment places this application in final condition for allowance. However, if the Examiner believes that there are any additional issues that remain to be resolved, the Examiner is encouraged to call Applicant's undersigned representative prior to taking any further formal action in this case.

Respectfully Submitted,
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Attachments:

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Substitute Page 23
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